

OFFICIAL COPY

Fresno, California August 17, 2004

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Jon Ruiz, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

City Manager Hobbs gave the invocation and President Castillo led The Pledge of Allegiance.

PROCLAMATION OF NEIGHBORS IN HEALTH DAY - MAYOR AND CITY COUNCIL

Read and presented.

SPCA PET OF THE MONTH - PRESIDENT CASTILLO

The pet of the month up for adoption, a kitten, was showcased.

RESOLUTION OF COMMENDATION TO JOHN WORK OF THE FIRE DEPARTMENT - MAYOR AND CITY COUNCIL

Not presented/cancelled.

APPROVE MINUTES:

On motion of Councilmember Sterling, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of July 27, 2004, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST STAFF TO ADDRESS THE PROBLEM OF LACK OF MAINTENANCE OF HUNTINGTON BOULEVARD MEDIAN ISLAND - COUNCILMEMBER DAGES

Councilmember Dages stated the problem was the worst it has ever been and he did not know if it was due to the transferring of the function from one department to another and added 4th Street between Sierra and Escalon was another problem area, with City Manager Hobbs stating staff would respond. Councilmembers Calhoun, Sterling and Acting President Perea concurred there was a problem and it needed to be addressed and Councilmember Sterling and Acting President Perea added the Fresno & "B" Street median island, old Freeway 99 between Ventura and Church, McKenzie east of Chestnut, and Blackstone south of Shields as areas that also needed to be addressed. Councilmember Duncan later encouraged Council to submit their maintenance requests to public works stating their response was good.

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8/17/04

COMMENDATION TO THE POLICE ACTIVITIES LEAGUE (PAL) AND THE POLICE AND FIRE DEPARTMENTS ON THE INNER-CITY YOUTH CAMP - ACTING PRESIDENT PEREA

Commendation made with Acting President Perea stating staff did a fantastic job, the instructors were great, and the event had a significant impact on the kids.

NO NEIGHBORHOOD LEFT BEHIND PROGRAM - PRESIDENT CASTILLO

President Castillo requested an update on the program at the next meeting and also requested a report from the city attorney on who should file conflict of interest forms stating some people who serve on boards and commissions have been lobbying contractors on behalf of private individuals.

SOCIAL SERVICE FUNDING EVALUATIONS - COUNCILMEMBER BOYAJIAN

Noting the Human Relations Commission was in disarray, Councilmember Boyajian questioned who would be conducting the evaluations and site visits, with President Castillo, City Manager Hobbs, City Attorney Montoy and Councilmember Sterling responding and advising discussions/meetings had taken place on the issue, staff could help out to some degree, staff was open to Council suggestions, there was a resolution that details the process that could be used as a starting point, and Councilmembers Sterling and Perea were working on the issue and would meet with the city manager and provide a report to Council in September.

APPROVE AGENDA:

(1-D RESOLUTION - AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$7,034 FROM THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR THE URBAN AREA SECURITY INITIATIVE GRANT PROJECT

1. RESOLUTION - 6TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$526,200 FOR THE POLICE DEPARTMENT'S URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM

2. RESOLUTION - 4TH AMENDMENT TO PAR 2004-210 ADDING ONE POLICE OFFICER POSITION FOR THE UASI PROGRAM

City Clerk Klisch clarified there was no resolution associated with the acceptance of the grant funds and there were only two resolutions.

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-03-78 FILED BY SYNERGY GOLDEN DAWN, LLC, E. KINGS CANYON AND S. ARMSTRONG IN COUNCIL DISTRICT 5

-and-

(10:30 A.M.) CONTINUED HEARING TO AMEND THE MASTER FEE SCHEDULE (MFS) RES. NO. 80-420 TO INCREASE THE TRAFFIC SIGNAL IMPACT FEE IN THE UGM AREA AND ESTABLISH A TRAFFIC SIGNAL IMPACT FEE IN NON-UGM AREAS

Councilmember Dages questioned if Synergy Golden Dawn would be exempt from the higher fees since their issue was scheduled before the fee issue with City Attorney Montoy advising the increased fees, if adopted, would not become effective for 60 days. Ms. Montoy added there was a possibility the developer might agree to pay the higher fees and recommended Councilmember Dages speak to the planning & development director on the issue.

(9:40 A.M. #2) RESOLUTION - EXPRESSING SUPPORT OF HOUSE OF REPRESENTATIVES (HR) BILL NO. 3729 EXTENDING A BELATED THANK YOU TO THE MERCHANT MARINES FROM WORLD WAR II IN CONJUNCTION WITH HR 3729 - COUNCILMEMBER DAGES (CONTINUE TO AUGUST 24, 2004, AT 9:50 A.M.)

Continued as noted.

(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-04-24 FILED BY SOUTHERN CALIFORNIA PRESBYTERIAN HOMES, SOUTHWEST CORNER OF N. MARTY AND W. SAN JOSE AVENUES, NORTH OF W. SHAW IN DISTRICT 2 (CONTINUE TO AUGUST 31, 2004, AT 10:10 A.M.)

Continued as noted.

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(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-04-20 FILED BY LOGAN AND ASSOCIATES ON BEHALF OF SPALDING WATHEN, PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF W. ASHLAN AND PARKWAY DRIVE IN COUNCIL DISTRICT 1 (TO BE RE-NOTICED FOR A FUTURE DATE)

To be re-scheduled and re-noticed.

(4:30 P.M.) CONTINUED HEARING TO CONSIDER THE PLANNING COMMISSION'S DECISION REGARDING CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-02-226, FILED BY WILKINS ENTERPRISES, PROPERTY LOCATED IN DISTRICT 2

(CONTINUE TO OCTOBER 5, 2004, AT 4:30 P.M.)

Continued as noted.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

ADOPT CONSENT CALENDAR:

Chad Lindholm, on behalf of Clean Energy, spoke in opposition to Item **1-H** and expressed concerns, all as contained in written material he submitted for the record, copies of which are on file in the office of the city clerk.

Gloria Torrez stated consent items were not routine and needed to be discussed/voted upon separately; expressed concerns/spoke in opposition to Item **1-H**; relative to Item **1-J** stated the idea was not to make money off Clovis but to provide better transit service and amenities; relative to **1-K** stated the fee needed to be raised to \$1.00 as the people utilizing the service could afford it; and relative to **1-S** expressed concern with the cost for the Santa Fe Depot project and stated bus riders were getting the short end of the stick.

Art Babcock, EFS West, Van Nuys, CA, spoke in support of Item **1-H** stating they were qualified to do the work and they fully complied with the RFP.

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-T** stating city representation was needed and in support of Item **1-G**, and relative to Item **1-O** stated better quality food was needed.

Items **1-D**, **1-E**, **1-H**, **1-K** and **1-O** were pulled for discussion and action at 2:00 p.m.

(1-A) AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN A CONSULTING SERVICES AGREEMENT WITH CSHQA CORPORATION ON BEHALF OF THE CITY IN THE AMOUNT OF \$227,881 FOR INITIAL PLANNING THROUGH SCHEMATIC DESIGN OF FYI TERMINAL IMPROVEMENTS TO FACILITATE POST 9/11 SECURITY PROTOCOLS AND THE CHANGING AVIATION INDUSTRY

(1-B) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BSK ASSOCIATES, INC., IN AN AMOUNT NOT TO EXCEED \$170,000, FOR OWNER'S QUALITY ASSURANCE AND ACCEPTANCE TESTING FOR THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT, AIR CARGO PARK, AIRSIDE DEVELOPMENT, RUNWAY 29R AND TAXIWAY A PROJECTS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND DIRECTOR OF AVIATION TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-C) AWARD A \$250,000 SOLE SOURCE CONTRACT TO NABCO LLC FOR A TOTAL CONTAINMENT VEHICLE (TCV) FOR THE POLICE DEPARTMENT

1. RESOLUTION NO. 2004-269 - AUTHORIZING THE PURCHASING MANAGER TO NEGOTIATE AND ENTER INTO A

CONTRACT FOR THE PURCHASE OF A TOTAL CONTAINMENT VESSEL (TCV) FROM NABCO LLC

2. RESOLUTION NO. 2004-270 - 8TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$250,000 IN GRANT FUNDING INTO THE FY 2005 BUDGET TO PURCHASE THE TCV

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(1-F) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A SERVICE CONTRACT WITH TURBOMECA USA TO ALLOW THE POLICE DEPARTMENT TO MANAGE THE ANTICIPATED AND UNANTICIPATED COST ASSOCIATED WITH THE TURBINE HELICOPTER ENGINE IN THE EUROCOPTER 120

(1-G) AWARD A \$236,199 SOLE SOURCE CONTRACT TO TASER INTERNATIONAL, INC., FOR 200 X26 TASERS FOR THE POLICE DEPARTMENT

1. RESOLUTION NO. 2004-271 - AUTHORIZING THE PURCHASING MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR THE PURCHASE OF THE TASERS AT A TOTAL COST INCLUDING TAX AND FREIGHT CHARGES NOT TO EXCEED \$236,199 SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

(1-I) APPROVE THE ACQUISITION OF STREET EASEMENTS FROM 311 AND 349 E. NORTH AVENUE AND ACCEPT THE DEEDS OF EASEMENT FOR THE NORTH AVENUE WIDENING PROJECT BETWEEN FREEWAY ROUTES 41 AND 99, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY AND PROCESS THE TRANSACTIONS THROUGH ESCROW

(1-J) RESOLUTION NO. 2004-272 - 416TH AMENDMENT TO MFS RES. 80-420 TO ADD A REGIONAL MONTHLY TRANSIT PASS FARE "METRO PASS" FOR UNLIMITED ACCESS TO FRESNO AREA EXPRESS (FAX) AND CLOVIS FIXED-ROUTE TRANSIT SYSTEMS

During "*Council Member Reports and Comments*" at the beginning of the meeting Councilmember Calhoun commended Transit Manager Rudd and Fresno County on this issue stating it was a good cooperative effort and he looked forward to the upcoming report.

(1-L) RESOLUTION NO. 2004-273 - AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE

1. RESOLUTION NO. 2004-274 - 7TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$13,400 FOR THE BULLETPROOF VEST PARTNERSHIP PROGRAM

(1-M) DESIGNATING CITY MANAGER DANIEL HOBBS AS THE CITY VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING ON SEPTEMBER 19, 2004

(1-N) RESOLUTION NO. 2004-275 - 4TH AMENDMENT TO SALARY RES. 2004-213 ADDING THE CLASSIFICATION OF RETIREMENT BENEFITS MANAGER AND RETIREMENT COUNSELOR I/II

(1-P) AWARD A CONTRACT TO AMERICAN PAVING CO. OF FRESNO FOR THE BASE BID ONLY IN THE AMOUNT OF \$633,803.50 FOR FRESNO AND SHAW INTERSECTION MODIFICATIONS

(1-Q) RESOLUTION NO. 2004-276 - INTENT TO ANNEX FINAL TRACT NO. 5136 TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 76 AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 21, 2004

(1-R) RESOLUTION NO. 2004-277 - INTENT TO ANNEX FINAL TRACT NO. 5262 TO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 75 AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 21, 2004

(1-S) RESOLUTION NO. 2004-278 - 9TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$4,600,000 FOR THE DOWNTOWN PARKING, SANTA FE DEPOT, AND MOTOR VEHICLE LICENSING FEE CAPITAL PROJECTS

(1-T) RESOLUTION NO. 2004-279 - APPLYING TO LAFCO IN THE MATTER OF AN AMENDMENT TO INCLUDE THE "SOUTHEAST GROWTH AREA" WITHIN THE CITY OF FRESNO'S SPHERE OF INFLUENCE (SOI) AS IDENTIFIED IN THE 2025 FRESNO GENERAL PLAN

(1-U) RESOLUTION NO. 2004-280 - APPROVING THE FINAL MAP OF TRACT NO. 5260 AND ACCEPTING THE

DEDICATED PUBLIC USES THEREIN, SOUTH SIDE OF E. COPPER BETWEEN N. MAPLE AND N. CHESTNUT AVENUES IN COUNCIL DISTRICT 6

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

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2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

3. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR PLANTING AND MAINTAINING FRONT YARD TREES

(1-V) RESOLUTION NO. 2004-281 - 5TH AMENDMENT TO SALARY RES. 2004-213 ADDING THE CLASSIFICATIONS OF BUILDING INSPECTOR I, II AND III

(1-W) RESOLUTION NO. 2004-282 - 5TH AMENDMENT TO PAR 2004-210 REALLOCATING ONE NETWORK SYSTEMS SPECIALIST POSITION FROM THE PUBLIC WORKS DEPARTMENT TO THE INFORMATION SERVICES DEPARTMENT

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled CONSENT CALENDAR hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(2-A) CONSIDER CONFIRMING THE TERMINATION OF THE EXISTING EXCLUSIVE NEGOTIATING AGREEMENT AND ENTERING INTO A DEVELOPER AGREEMENT WITH RUNNING HORSE, LLC

Planning & Development director Yovino reviewed the two issues as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in opposition (2 - 0).

Councilmember Sterling spoke in support of the issue and the project and made a motion to approve staff's recommendation. Mr. Yovino responded briefly to questions of President Castillo relative to purchasing rights south of the 7 acres, possibility of the city purchasing the 8.24 acres, and the developer agreement and if a time line would be included.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the termination of the previous Exclusive Negotiating Agreement (ENA) and all amendments thereto with Cypress Investment and/or Running Horse, LLC, which expired on January 15, 2004, hereby confirmed, and staff directed to negotiate and return to Council with a Developer Agreement with Running Horse, LLC, which will seek to exchange the City's option to purchase a 8.24 acre site south of the Veterans Home and an annual allocation of 400 acre feet of the City's Kings River Water Supply Entitlement for the provision of infrastructure improvements to the Veterans Home site, which the City has committed to provide as well as other City benefits, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

(9:25 A.M.) PUBLIC COMMENT PERIOD:

(B) UNSCHEDULED COMMUNICATION:

APPEARANCE BY DANIEL DELGADO REGARDING THE PROBLEM OF STOLEN HANDICAPPED PLAQUES FROM

VEHICLES

Appearance made.

APPEARANCE BY BARBARA HUNT REGARDING THE REDEVELOPMENT AGENCY AND LACK OF AUTHORITY

Appearance made.

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APPEARANCE BY MR. SIMPSON REGARDING ALLEY CLEAN-UP ISSUE AND THE CITY'S RESPONSIBILITY

Appearance made.

(A) SCHEDULED PUBLIC COMMENT:

APPEARANCE BY HARLEY TURNER TO DISCUSS THE FRESNO MUNICIPAL CODE

Not present when called.

(9:30 A.M.) RESOLUTION NO. 2004-283 - IN SUPPORT OF AMERICANS FOR NATIONAL PARKS - ACTING PRESIDENT PEREA

Laura Whitehouse, Central Valley Field Representative for the National Parks Conservation Association, a national non-profit organization, spoke to the association's purpose and efforts, to the need for funding to protect and restore the National Parks, and requested Council support the resolution. Acting President Perea stated the information presented to Council was self-explanatory, spoke to the number of coalition members from the valley that were already on board and stated that was a good testament, and stated he hoped the city would join the effort to insure parks are funded and made a motion to adopt the resolution, which was seconded and later acted upon.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Ms. Whitehouse responded to questions of Councilmember Calhoun relative to whether a huge infusion of cash was seen with the dramatic increase in entrance fees, if funding was not at the level the association would like it to be, what a Council vote in support would mean, what Congressman Radonovich's position was on this issue/if he had been contacted on the issue/if he endorsed the organization, and if any other state representatives have endorsed the organization and efforts. Councilmember Duncan stated everyone wanted more funding for parks but he would not be supporting the resolution, stated this organization and their parent organization needed to be looked at to see if there was a different agenda behind what they are trying to do and explained, and expressed his concerns with the association's agenda, positions and issues. President Castillo stated all he saw with this resolution was a request for Council to support the organization's efforts in going to the federal government and ask for funding.

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Resolution No. 2004-283 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
Noes : Duncan
Absent : None

(9:40 A.M. #1) RESOLUTION NO. 2004-284 - IN SUPPORT OF ENACTMENT OF SB NO. 349 AND HR BILL NO. 594 TO ELIMINATE THE GOVERNMENT PENSION OFFSET PROVISION AND THE WINDFALL ELIMINATION PROVISION FROM THE SOCIAL SECURITY ACT - COUNCILMEMBER DAGES

Councilmember Dages reviewed the issue as contained in his memo to Council as submitted, and made a motion to adopt the resolution, which motion was seconded and acted upon after discussion.

(3 - 0) Speaking in support of the issue/resolution were: Barbara Hunt, 2475 S. Walnut, and Frank Balekian, City employee and Retirement Board member.

Councilmember Calhoun questioned why the Retirement Administrator was not here to address the issue, stated this was a major issue which he was trying to make sense of and was uncomfortable with, and stated there was no rush to judgement and requested action be delayed so Council could receive a report from the retirement administrator or he would not support the issue due to the lack of information and the unknown consequences. Councilmember Dages spoke in opposition to a delay, to the support for the Bills, and stated the support of Congress showed this was a good thing to do and would benefit employees.

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Councilmember Calhoun made a motion to table the issue to September 21st for a report from the retirement office. President Castillo stated he did not feel the issue needed to be tabled that long but agreed a report was needed. Upon call, the motion died for lack of a second.

Mr. Balekian responded briefly to questions of President Castillo relative to when employees find out their benefit amount and if there might be any financial ramifications down the road from the state and federal governments.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2004-284 hereby adopted, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Perea, Sterling
Noes :	Calhoun
Absent :	None
Abstain :	Castillo

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-03-78 AND ENVIRONMENTAL FINDINGS, FILED BY SYNERGY GOLDEN DAWN, LLC, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF E. KINGS CANYON ROAD AND S. ARMSTRONG AVENUE IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-78/T-5196, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-78 - ORDINANCE NO, 2004-79 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20/UGM TO R-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Brandon (last name inaudible), Yamabe and Horn Engineering, representing the applicant, who advised he was present to answer questions/concerns and advised Cambridge Homes would be the builder, and Barbara Hunt, 2475 S. Walnut, who spoke in support.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Darren (last name inaudible), representing Cambridge Homes, and Mr. Bernal responded to questions of Councilmember Boyajian relative to the quality of the homes/price range, lack of school district response, lack of sidewalks on the other side of Armstrong and that being a safety issue for students, the project proposed to the south of this project, the developer paying towards traffic signals, and if Armstrong would be widened.

On motion of Councilmember Dages, seconded by President Castillo, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-78/T-5196, dated June 10, 2004, that the project conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-78 rezoning the project site adopted as Ordinance No. 2004-79, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

RECESS - 10:33 A.M. - 10:43 A.M.

(10:30 A.M.) CONTINUED HEARING ON UPDATE OF THE UGM FEE PROGRAM RELATIVE TO TRAFFIC SIGNAL IMPACT FEES

1. RESOLUTION NO. 2004-285 - 418TH AMENDMENT TO THE MFS RES. 80-420 INCREASING THE UGM TRAFFIC SIGNAL FEE IN THE UGM AREA AND ESTABLISHING A TRAFFIC SIGNAL IMPACT FEE IN NON-UGM AREAS

President Castillo announced the time had arrived to consider the issue and opened the hearing.

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Interim Public Works Director Kirn gave an extensive overview of the issue and proposed fees, all as contained in the staff report as submitted, and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Duncan stated he respected staff and their efforts in this task but he felt this matter needed to go back to be redone, stated the concept of developing fees on a per trip basis was not a good approach, the impact would be staggering, and people would not want to build here, and upon his request Redevelopment Executive Director Fitzpatrick spoke to what the impacts would be on some of the recently constructed projects and the Chinatown project if these fees were applied, submitting a chart to Council to illustrate.

Councilmember Duncan stated there had to be another way, a lot more work needed to be done to be fair and rational, **(4 - 0)** and stated he hoped no motion would be made so the matter could die, go back to staff, and come back at a later date based on another approach.

Mr. Kirn and City Attorney Montoy responded to questions, comments and/or concerns of Councilmembers Dages, Perea and Sterling relative to fees paid in southeast UGM areas not staying in the southeast area/subsidizing other areas, feeling that industrial and office fees were too high, if the fees could be approved excluding industrial, if all buildings would pay the signal fee whether a signal goes in or not, if the BIA was aware of these proposed fees/endorsed them, support for all fees except industrial and office, if staff considered how these fees would impact high density units such as the Vagabond project and downtown housing projects downtown is trying to attract, if joint commercial/housing mixed-use developments would get hit with both fees, need to hear from developers who construct downtown housing before approving the fees, how fees were determined (area by area or one blanket fee), lack of major development in west Fresno for a long time and a lot of first time opportunities now coming into play and how they will be affected, and need to base fees on the specific type of development.

Councilmember Calhoun emphasized staff did exactly what they were asked to do, noted there were no developers present to say they would not build here, noted the only one opposed was Mr. Fitzpatrick and stated this was not just an RDA issue, stated Council was convinced of industrial concerns by Mr. Fitzpatrick and was going south due to those concerns, advised the Mayor/Council task force could continue to meet and look at subsidies or enticements where needed and he did not feel developers would bail out, and stated it was time to stand up after "four years of nagging" and deal with this issue and made a motion to approve staff's recommendation. Councilmember Boyajian concurred Council needed to "bite the bullet" but not to the extent of discouraging development or job creation, and presented questions relative to why comparisons were not made with other cities as this was a major issue, the Tom Richards project, if inner-city fees could be mitigated so as not to discourage development, and how the nexus on the fee was defined, with Mr. Kirn responding. Upon question of Councilmember Dages, Councilmember Calhoun stated he would not amend his motion to exclude industrial and office as that would defeat the purpose.

Mr. Fitzpatrick concurred the overall fee program as presented by staff was right on but stated the key was how to tweak it to eliminate unintended consequences that go against current and past policies of both the City and the RDA, **(5 - 0)** stated his obligation was to bring forward what the impact would be on users, and clarified issues relative to the Vagabond and Armenian Town projects and how the City and Agency were subsidizing those projects out of tax increment to make the projects work and it would not be the developers who would pay the fees. Councilmember Duncan stated the Agency Director's involvement was appropriate and he encouraged the information be brought forth to make an informed decision.

Acting President Perea stated Councilmember Calhoun made some great points and he now saw this issue in a different way and

made a motion to refer the issue back to staff and for staff to come back no later than 60 days with the same fees along with options/alternatives to offset/mitigate some of the added costs for downtown/inner-city/industrial development, which motion was seconded by President Castillo and subsequently amended. Ms. Montoy stated the motion was basically what staff was recommending and clarified either would have been appropriate as Council was agreeing with staff that fees must pay for impacts, fees were established, and Council was saying they did not want to jeopardize the inner-city, job creation, etc., and was creating a separate mechanism to address the impacts that might occur. Mr. Kirn clarified with the motion as proposed the implementation of the fees would be postponed 120 days. City Manager Hobbs stated the issue of how to minimize unreasonable impacts would go back to the Mayor/Council task force but recommended the housing/residential fees be approved so the city could move forward with them, with Acting President Perea stating he was not ready to approve them. Councilmember Sterling stated she wanted to see the development community pay its fair share, she did not want to see CDBG and other sources subsidizing, and she wanted to see where the fees would be subsidized by other agencies.

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President Castillo stated Mr. Kirn's comment on the 120 day delay for implementation of the fees was important and should not be lost and questioned how much revenue would be lost in that time, with Mr. Yovino responding. President Castillo stated there was an opportunity here to capture some of the fees, noted the spirit of the motion was Council was in agreement with the recommended fees but also wanted options to offset some of the costs for downtown, industrial, housing, etc., and recommended Council adopt the fees as recommended with the understanding that staff will come back with the options to offset some costs in 60 days. Acting President Perea stated he wanted to insure the inner city and downtown would not be affected and Ms. Montoy recommended the resolution be amended to make the fees effective 70 days or more after adoption instead of 60 days. President Castillo requested Mr. Yovino and Mr. Kirn meet with redevelopment staff and look at all available monies from different RDA areas that could be used in an RDA-specific area for jobs, housing, etc. Upon further question of Acting President Perea, Ms. Montoy stated Council could rescind this action and not implement the higher fees if Council does not support the options that staff presents in 60 days, whereupon Acting President Perea amended his motion.

On motion of Acting President Perea, seconded by President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2004-285 hereby adopted, as amended, changing the effective date from 60 days after final passage to 80 days, and staff to return in 60 days with options to offset/mitigate some of the costs for inner-city, downtown and industrial areas, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
Noes :	Duncan
Absent :	None

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LUNCH RECESS - 12:18 P.M. - 2:04 .M. Councilmember Dages arrived later.

(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-D AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$7,034 FROM THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR THE URBAN AREA SECURITY INITIATIVE GRANT PROJECT

1. RESOLUTION NO. 2004-286 - 6TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$526,200 FOR THE POLICE DEPARTMENT'S URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM

2. RESOLUTION NO. 2004-287 - 4TH AMENDMENT TO PAR 2004-210 ADDING ONE POLICE OFFICER POSITION FOR THE UASI PROGRAM

Chief Dyer responded briefly to questions of Councilmember Boyajian and President Castillo relative to the \$400,000 cost for consulting services, if more than one consultant would be used, and if Fresno County also had grants to go towards this project.

On motion of Councilmember Boyajian, seconded by President Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-286 and 2004-287 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : Dages

(1-E) APPROVE RENEWAL OF FRESNO COUNTY INTERAGENCY COUNCIL AGREEMENT

Councilmember Calhoun stated he was a big supporter of interagency-type operations but noted this agreement has been in effect since 1994, it seemed to be routinely approved, and he felt it was time to stop and ask what has been accomplished with this money, how this was working, if it was useful, what the City has gained/has to show, why staff wants to continue the program, if any study had been conducted in the past 10 years to determine if this was working or if it could work in a better way, and if this has been before Council for approval before, with Interim Parks and Recreation Director Putnam responding. Councilmember Dages returned to the meeting at 2:13 p.m. during the questioning. A motion and second was made to approve the agreement.

President Castillo stated he considered this part of social service funding, noted one of the goals of the Interagency Council was to make sure services are not duplicated, and stated he had a little bit of discomfort approving something that was supposed to eliminate duplication of services yet did not provide a service. City Manager Hobbs suggested this matter be turned over to internal audit to provide a report on the mission of this entity, what they've done, and if there was any duplication of effort here. President Castillo stated he wanted to table this so staff could provide a brief report on how the entire budget is being used, with Mr. Hobbs stating staff would work on an audit and parks & recreation would provide a report.

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On motion of President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, Item 1-E tabled two weeks for a staff report on how the funds are being used, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(1-H) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE A CONTRACT FOR \$3,311,615 WITH GOLDEN ACQUISITION CORPORATION, d.b.a. EFS WEST OF VAN NUYS, CA, TO DESIGN, BUILD AND MAINTAIN A COMPRESSED NATURAL GAS FUELING FACILITY

Upon the request of President Castillo, General Services Director Nerland and City Attorney Montoy explained how staff came to the conclusion that awarding the contract to EFS was in the best interest of the city and responded to the comments made earlier in the meeting by Mr. Lindholm of Clean Energy. Mr. Nerland and City Attorney Montoy responded to questions of President Castillo and Councilmember Boyajian relative to the California contractor's license issue, maintenance cost **(6 - 0)**, if Pinnacle and Clean Energy were given the opportunity to deal with the maintenance issue, if Hannover was the main player/number one company that builds these facilities, and if litigation was a possibility with the subcontractor license issue.

Chad Lindholm, Clean Energy, Seal Beach, CA, spoke further to the license and clarified issues. Art Babcock of EFS and Ms. Montoy responded to additional questions of President Castillo relative to EFS's experience with design-build and if Clean Energy not being told they did not qualify due to the license during the three RFP processes opened the city to litigation.

On motion of President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the public works director authorized to execute a contract for \$3,311,615 with Golden Acquisition Corporation d.b.a. EFS West of Van Nuys, CA, to design, build and maintain a compressed natural gas fueling facility, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

Proceedings were briefly interrupted for the following unscheduled presentation:

NOT ON AGENDA - PRESENTATION BY MAYOR AUTRY OF A PROCLAMATION TO CHRIS MCKENZIE, EXECUTIVE DIRECTOR OF THE LEAGUE OF CALIFORNIA CITIES, FOR HIS EXEMPLARY WORK IN PROTECTING LOCAL RESOURCES FROM THE STATE (PROPOSITION 1A)

Read and presented and Council members commended Mr. McKenzie.

Proceedings on contested consent calendar items continued.

(1-K) RESOLUTION NO. 2004-288 - 420TH AMENDMENT TO MFS RES. 80-420 ESTABLISHING A \$.75 ONE-WAY FARE FROM THE DOWNTOWN AREA TO THE TOWER DISTRICT FOR THE "TOWER EXPRESS TROLLEY" PROVIDED BY FRESNO AREA EXPRESS (FAX) FOR WEEKDAY LUNCH HOUR SERVICE

Transportation Director Rudd responded to questions of Councilmember Duncan relative to the capacity of the trolleys, anticipated revenues and operation costs. Councilmember Duncan spoke in opposition to the issue stating thousands of dollars had been spent to build up downtown and improve the business environment and this would take the beginning work and ship it to the Tower District, stated this would be a one-way trip and would not be reciprocal, expressed his concern with the \$12,000 city subsidy, taking limited resources, and taking from downtown, acknowledged the intent was good but the downside was this was a lose-lose for the city and he did not see a positive outcome, and stated he would have supported expansion of the downtown trolley and requested Councilmembers Boyajian and Sterling look at the issue again and expand the downtown trolley emphasizing downtown restaurants needed to keep the customers they worked so hard to get.

Councilmember Boyajian stated he saw the issue differently, he saw the Tower District, Fresno City College and Community Hospital all as downtown and this would bring them all together, stated people already drive to the Tower district and another important issue was getting people out of their cars, concurred expanded trolley service was needed and stated he hoped this would be a start, and relative to the subsidy comments stated advertising and grant funding were being looked at.

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Michelle Kendall, co-owner of Sequoia Brewing Co., stated she was offended by Councilmember Duncan's comments and explained, spoke in support of the issue and stated she also considered the Tower District as downtown, and advised she did a lot of research on this issue and talked with a lot of customers and all the feedback was positive, .

A motion and second was made to approve staff's recommendation. Councilmember Sterling spoke to and in support of the issue at length stating this was connecting the two areas **(7 - 0)**. Councilmember Calhoun noted he was on the losing end of a subsidy in which the city spent a quite a bit of taxpayer dollars to subsidize parking in the Tower District by purchasing a house for a parking lot and that seemed to fly in the face of what was trying to be accomplished here. Acting President Perea stated this was a no-brainer, a great idea, and very creative.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-288 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Perea, Sterling, Castillo
Noes :	Duncan
Absent :	None

(1-O) AUTHORIZE RENEWAL OF THE SENIOR CITIZENS HOT MEALS SITE MANAGEMENT CONTRACT WITH THE FRESNO-MADERA AREA AGENCY ON AGING

Interim Parks and Recreation Director Putnam responded briefly to questions of Councilmember Sterling relative to the city's contribution and if it was less than last years. A motion and second was made to approve staff's recommendation. Councilmember Boyajian spoke in support of the program and thanked staff.

On motion of Councilmember Sterling, seconded by President Castillo, duly carried, RESOLVED, the parks, recreation and community services director authorized to execute a renewal agreement for site management of the Senior Citizens Hot Meals Program with the Fresno-Madera Area Agency on Aging, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

(3) CLOSED SESSION:

- A. CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**
- 1. FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT UNIT 9)
 - 2. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. MAULDIN-DORFMEIER CONSTRUCTION, INC., ET AL.

The City Council met in closed session in Room 2125 at the hour of 3:23 p.m. to consider the above issues and reconvened in regular open session at 4:16 p.m.

(3:30 P.M.) WORKSHOP ON WATER RIGHTS AND JOINT WATER RIGHTS APPLICATION BY THE CITY OF FRESNO, CITY OF CLOVIS, FRESNO IRRIGATION DISTRICT, AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

The informational workshop was presented by Public Utilities Director McIntyre and Gary Serrato of the Fresno Irrigation District, who covered issues contained in the staff report as submitted.

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ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:39 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____24th____ day of ____August____, 2004.

_____/s/_____

_____/s/_____
ATTEST:_____

Brad Castillo, Council President

Yolanda Salazar, Assistant City Clerk

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